

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 25, 2005

**D045180        McWilliams et al. v. City of San Diego et al.**

The judgment is affirmed. The parties to bear their own costs. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D046113        In re Hunter on Habeas Corpus**

The petition is denied.

**D045063        People v. Smith**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D045707        Stephanie H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petitions are denied. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D044310        In re Marriage of DePhillips and Hale**

The petition for rehearing is denied.

**D045046        In re Elijah A., a Juvenile**

The orders denying the section 388 petition are affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

**D046026        In re O'Reilly on Habeas Corpus**

The petition is denied.

**D045253        In re Franky M. et al., Juveniles**

The orders terminating parental rights and selecting adoption as the permanent plans are affirmed. The request to take additional evidence on appeal is denied. The motion to strike is denied. Huffman, J.; We Concur: McConnell P.J., McIntyre, J.

**D046252        People v. Ramos**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

**D044079        City of San Diego v. Barratt American Incorporated et al.**

The judgment is affirmed. Owners are entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D046098        In re Baker on Habeas Corpus**

The petition is denied.

**D046153        In re Rivera on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 26, 2005

**D043351        People v. Hernandez**

The judgment is modified to stay imposition of sentence on count 38. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modifications and forward a copy of the amended abstract to the Department of Corrections. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

**D044396        People v. Caldwell**

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

**D043616        People v. Degracia**

The one-year prison prior (§ 667.5) is stricken. In all other respects the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

**D045436        In re N.P., a Juvenile**

The judgment is affirmed. McConnell, J.; We Concur: Benke, J., Nares, J.

**D044889        Renovation and Restoration, LLC v. Board of Trustees of the California State University**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

**D046269        Bennett v. Superior Court of San Diego County/Abrahamian et al.**

The petition is denied.

**D043308        People v. Smith**

The appeal is affirmed in part and reversed and remanded in part with directions to the trial court. Huffman, J.; I Concur: McIntyre, J.; dissenting and concurring (opinion): Benke, Acting P.J.

**D044247        People v. Ventura**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

**D046163        In re Jackson on Habeas Corpus**

The petition is denied.

**D043944        People v. Jennings**

The petition for rehearing is denied.

**D046167        In re Schmitt on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 26, 2005 (Continued)

**D045510        Leep v. Lund**

Appellant's request for an extension of time to respond to this Court's order of March 24, 2005, is denied. Appellant, having failed to provide this Court with proof of abandonment of this appeal by the bankruptcy trustee, the appeal is dismissed.

**D046258        Qassimyar, a Minor, etc. v. Saenz**

The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 27, 2005

**D044795        People v. Franco**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Haller, J.

**D043770        People v. Garrison**

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D046228        Minor v. Superior Court of San Diego County/Mansueto**

The petition is denied.

**D045778        Angela C. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The petition is denied. Nares, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D045431        Perkins v. Scripps Health**

Upon written request filed by appellant, the appeal is dismissed.

**D043652        People v. Snipes**

The judgment is affirmed. McDonald, Acting P.J.; I Concur: McIntyre, J.; I Concur in the Result: Irion, J.

**D045750        Christina M. v. Superior Court of Imperial County/Imperial County Department of  
Social Services**

The petition for extraordinary writ is denied on the merits. (Sec. 366.26, subd. (l)(1)(C). McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

**D046182        In re Schmitt on Habeas Corpus**

The petition is denied.

**D046236        McNeal v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 28, 2005

**D046168        In re Sey on Habeas Corpus**

The petition is denied.

**D043830        Feeney v. Sepich**

The judgment is affirmed. Sepich shall recover costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D044674        In re Carl R., a Juvenile**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

**D046179        In re McNeal on Habeas Corpus**

The petition is denied.

**D043941        People v. Vaughn**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D043501        Gana v. Marquette**

The summary judgment entered in favor of Marquette is affirmed. The order denying her motion for attorney fees and costs is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D045042        In re Daniel R., a Juvenile**

The orders are affirmed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D044847        In re the Adoption of Dylan M., a Minor**

**D045467        In re Dylan M., a Minor on Habeas Corpus**

The pending petition for writ of habeas corpus, In re Dylan Jay M., D045467, is consolidated with the pending appeal, Adoption of Dylan Jay M., D044847, for disposition.

**D044847        In re the Adoption of Dylan M., a Minor**

**D045467        In re Dylan M., a Minor on Habeas Corpus**

The order terminating John's parental rights to Dylan is affirmed. John's petition for a writ of habeas corpus is denied, as to his motion to strike portions of Dylan's letter brief. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D046297        Choe v. Superior Court of San Diego County/Regents of the University of California et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 29, 2005

**D045854        Deborah M. v. Superior Court of San Diego County/Daryl W.**

Let a writ of prohibition issue directing the superior court to vacate its order of January 25, 2005, compelling a hair follicle drug test. The stay issued by this court on February 17, 2005, is hereby vacated. This decision will become final as to this court 10 days after the filing date. (Cal. Rules of Court, rule 24(b)(3)). Costs to petitioner. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D046107        Dawn R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Van C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case as to Van C. is dismissed.

**D044719        In re Robert P. et al., Juveniles**

**D045627        Robert P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

(Consolidated.) The judgments terminating parental rights as to Veronica, Julian, Valerie, Michael and Christina are affirmed. The judgment terminating parental rights as to Robert is reversed and remanded to the juvenile court with directions to vacate the judgment as to Robert and to conduct a new section 366.26 hearing to determine a permanent plan for him. The court is directed to appoint new counsel to represent Robert for this hearing. Robert's petition for a writ of habeas corpus is denied as moot. The motion to consolidate the appeal and the petition for a writ of habeas corpus is granted. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D046114        In re Carter on Habeas Corpus**

The petition is denied.

**D046119        Marks, Golia & Finch et al. v. Superior Court of San Diego County/Fastrucking.Com et al.**

The petition is denied.

**D046195        Kays v. Superior Court of San Diego County/Sherman**

The petition is denied.

**D045773        In re Agrio on Habeas Corpus**

The petition is denied.

**D045481        Black Historical Society v. Wakeland Housing and Development Corporation et al.**

The petition for writ of supersedeas is denied.